

STATE OF INDIANA

IN THE SUPERIOR COURT NO. 6

COUNTY OF HAMILTON) SS:
)

OF HAMILTON COUNTY

STATE OF INDIANA

v.

CAUSE NO. 29D06-_____-CM-_____

Defendant

MISDEMEANOR WRITTEN ADVISEMENT AND WAIVER OF RIGHTS

Before the court may accept a guilty plea, you must be informed of certain facts and rights that you have. You must read this document carefully.

1. You have been charged with a **Misdemeanor**. The class of misdemeanor determines the maximum and minimum penalty. The maximum penalty for a Class A misdemeanor is 365 days in jail and a fine of \$5,000. The maximum penalty for a Class B misdemeanor is 180 days in jail and a fine of \$1,000. The maximum penalty for a Class C misdemeanor is 60 days in jail and a fine of \$500.
2. The minimum penalty for any misdemeanor is no days in jail and no fine; however, court costs must be paid. Additionally, you may be placed on probation for up to one year.
3. If you are pleading guilty to more than one misdemeanor, the Court may impose the penalties concurrently (together) or consecutively (one after the other).
4. If you were on probation or parole or were incarcerated at the time you committed this offense, your plea of guilty may adversely affect your probation, parole, or incarceration status, and any sentence that you may receive for this offense must be consecutive to any sentence for which you may be on probation or parole, or imprisoned.
5. If you have a prior history of juvenile or criminal offenses, that fact alone may cause you to receive a harsher penalty than you would otherwise receive.
6. You have the right to represented by an attorney. If you cannot afford an attorney, the Court will appoint an attorney for you. An attorney can help you prepare your case for trial and subpoena witnesses for you. If you choose to proceed without an attorney, you will be giving up these rights.
7. You have the right to a public and speedy trial by jury; the right to confront and cross-examine witnesses against you; the right to subpoena witnesses at not cost; the right to remain silent (you cannot be forced to testify against yourself at any hearing or trial); the right to require the State to prove you guilty beyond a reasonable doubt at a trial before you can be convicted of any criminal offense; and the right to appeal your conviction or any decision made by the judge. By pleading guilty, you will give up each one of these rights, except the right to a direct appeal of a sentence imposed as an "open" term of your agreement to plead guilty.
8. By signing this form, you are stating that your plea has been made knowingly and voluntarily, and that no promises, threats, or force have been used to make you plead guilty.
9. If you are pleading guilty to Dealing in Marijuana [Ind. Code 35-48-4-10] or Possession of Marijuana [Ind. Code 35-48-4-11], and if the Court finds that you used a motor vehicle to commit the crime, then: (a) your license to operate a motor vehicle; (b) your existing motor vehicle registrations; and (c) your ability to register motor vehicles; all must be suspended for a period from six months to two years, as the Court determines.

10. If you are pleading guilty to an Operating While Intoxicated misdemeanor [Ind. Code 9-30-5-1(a) or 9-30-5-1(b) or 9-30-5-2], and if you do not have a previous conviction of Operating While Intoxicated within 10 years of this date, your driving privileges shall be suspended for a period from 90 days to two years, but you may be eligible for an 180-day probationary license after you have been suspended for 30 days. This probationary license will not permit you to drive a commercial vehicle if your commercial driver's license (CDL) is revoked, suspended, or canceled, or if you are otherwise disqualified from operating a commercial motor vehicle. If you do have a previous conviction of Operating While Intoxicated which occurred more than five years but less than 10 years of this date, your driving privileges shall be suspended for a period from 180 days to two years. Also, if you have one previous conviction of Operating While Intoxicated, you must be imprisoned for at least five actual days or perform 180 hours community service. If you have two or more previous convictions, you must be imprisoned for at least 10 actual days or perform 360 hours community service.
11. If you are pleading guilty to Driving While Suspended misdemeanor [Ind. Code 9-24-19-2 or 9-24-19-3], your driving privileges shall be suspended for a period from 90 days to two years.
12. If you are pleading guilty to Illegal Consumption or Possession of Alcohol [Ind. Code 7.1-5-7-7(b)] while you were operating a motor vehicle, the Court may order your driver's license suspended for up to one year.
13. If you are pleading guilty to a misdemeanor involving the operation of a motor vehicle, your conviction will be sent to the Bureau of Motor Vehicles and will count toward you being a Habitual Traffic Violator.
14. If you are pleading guilty to a Class A misdemeanor involving the use, abuse, delivery, transportation, possession, or manufacture of alcohol or drugs as material elements of the offense, the your conviction will count toward you being a Habitual Substance Abuse Offender. If you are admitting to being a Habitual Substance Offender while pleading guilty to a substance offense, the sentence for that offense will be enhanced by an additional executed term of at least three years but no more than eight years. Under certain circumstances, this additional term may be suspended or reduced to one year.
15. If you and the Sate have entered into a plea agreement on your case and the Judge accepts your guilty plea, the Judge must follow the plea agreement.
16. If you are placed on probation and you violated a condition of probation, a petition to revoke your probation may be filed within one year after the termination of your probation or 45 days after the State receives notice of the violation, whichever is earlier.
17. If you are placed on probation, you must sign an Order of Probation and agree to all of Hamilton County's standard conditions in addition to any special conditions imposed by the Court or by your plea agreement.

I hereby certify that I have been given the opportunity to read to probable cause affidavit filed in this case and the facts contained in it are true and constitute a factual basis for my plea. I also certify that I have read the above statements, understand each paragraph, and do waive and give up each and every right listed.

Defendant's Attorney

Defendant

Date: _____

Date: _____

